

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:17-CR-17-1D  
NO. 5:17-CR-17-2D  
NO. 5:17-CR-17-3D

UNITED STATES OF AMERICA :  
 :  
 v. :  
 :  
 CHRISTOPHER LEE HERNANDEZ :  
 JOAQUIN R. ORTEGA :  
 EARL JAMES KENNA :

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreements entered into by the defendants on May 22, 2017, June 7, 2017 and July 31, 2017, whereby the defendants consented to the forfeiture, the Court finds that the following property is hereby forfeitable pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 924(d)(1), made applicable to this proceeding by virtue of 28 U.S.C. § 2461(c), to wit:

1. A .45 caliber Smith and Wesson pistol, bearing serial number TEE3016;
2. \$1,239.00 in US Currency;
3. A .45 caliber FNH pistol, bearing serial number FX3U056723;
4. A .223 caliber DPMS AR-15 style, semi-automatic rifle, bearing serial number FH168609;

5. A .32 caliber ROHM, Model RG63 pistol, bearing serial number 6928;
6. Six (6) rounds of .32 caliber ammunition;
7. One (1) 2004, White Ford F-150 bearing a Vehicle Identification Number of 1FTPW14534KB985; and
8. One (1) 2004, Silver Acura TSX, bearing a Vehicle Identification Number of JH4CL96864C0262.

WHEREAS, by virtue of said Memorandum of Plea Agreements and the defendants' agreement therein, the United States is now entitled to possession of said property pursuant to 21 U.S.C. § 853 and Fed. R. Crim. P. 32.2(b)(3);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreements as to the defendants, Christopher Lee Hernandez, Joaquin R. Ortega and Earl James Kenna, the United States is hereby authorized to seize the above-stated property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order is now final as to the defendants.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the

applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).

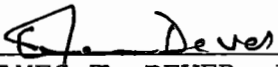
3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21

U.S.C. § 853 and 28 U.S.C. § 2461(c), as required by Fed. R.  
Crim. P. 32.2(c)(2).

SO ORDERED. This 8 day of February, 2018.

  
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JAMES A. DEVER, III  
Chief United States District Judge